REMARKS

This Application has been carefully reviewed in light of the Office Action. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Objections

The Office Action objects to Claims 15, 31, and 47, stating that the claims end with a double period. Applicant has amended Claims 15, 31, and 47 to remove the extra period, as requested in the Office Action. Accordingly, Applicant requests that the objections to Claims 15, 31, and 47 be withdrawn.

Rejections under Section 101

The Office Action rejects Claims 33-48 under 35 U.S.C. § 101, stating that the claims are non-statutory. Applicant respectfully traverses these rejections. Applicant respectfully contends that the computer recording medium of Claims 33-48 is statutory.

The Office Action contends that Applicant's Specification defines computer readable medium as encompassing an electronic transmission signal. *See Office Action*, Page 2. This, however, is incorrect. For example, according to Applicant's Specification:

> The tools may be embodied in one or more computer programs *stored on a computer readable medium* or program storage device *and/or transmitted* via a computer network or other transmission medium.

See Applicant's Specification, Page 5, Line 22 - Page 6, Line 1 (emphasis added). According to the passage, computer readable medium does not encompass an electronic signal. For at least this reason, Claims 38-48 are allowable under 35 U.S.C. § 101. Accordingly, Applicant respectfully requests that the rejections to Claims 38-48 be withdrawn.

The Office Action rejects Claims 1-3 and 17-19 under 35 U.S.C. § 101, stating that the claims do not produce a tangible result. Applicant respectfully traverses. However, in order to advance prosecution, Claims 1 and 17 have been amended to include limitations similar to those previously included in cancelled Claims 5 and 22, respectively. For at least

this reason, Claims 1 and 17 are allowable under 35 U.S.C. § 101. Accordingly, Applicant respectfully requests that the rejections to Claims 1 and 17 be withdrawn.

Claims 2-3 and 18-19 each depend, either directly or indirectly, from Claims 1 and 17, respectively. Therefore, for at least the reasons discussed above with regard to Claims 1 and 17, Applicant respectfully requests that the rejections of Claims 2-3 and 18-19 be withdrawn.

Rejections under Section 102 and Section 103

The Office Action rejects Claims 1-5, 17-21, and 33-37 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,694,434 to McGee et al. (*"McGee"*). The Office Action rejects Claims 6, 12-16, 22, 28-32, 38, and 44-48 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of U.S. Patent No. 6,944,772 to Dozortsev (*"Dozortsev"*). The Office Action rejects Claims 7, 23, and 39 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of *Dozortsev* and further in view of U.S. Patent No. 6,760,752 to Liu et al. (*"Liu"*). The Office Action rejects Claims 10-11, 26-27, and 42-43 under 35 U.S.C. §103(a) as being unpatentable over *McGee* and *Dozortsev* in view of *Liu* and further in view of U.S. Patent No. 7,140,042 to Verma (*"Verma"*). The Office Action rejects Claims 8-9, 24-25, and 40-41 under 35 U.S.C. §103(a) as being unpatentable over *McGee* in view of *Dozortsev* and further in view of *Verma*. Applicant respectfully traverses these rejections.

Claim 1 is directed to a method for maintaining computer security. The method includes providing a database of known good software and a database of unfamiliar software. The method further includes, for the identified file, determining whether an entry exists in the database of known good software and determining whether an entry exists in the database of unfamiliar software. The method further includes moving the entry from the database of unfamiliar software to the database of known good software if it is determined that the entry has been in the database of unfamiliar software for a sufficient period of time. The combination of *McGee, Dozortsev, Liu,* and *Verma* fails to disclose each of these limitations.

The Office Action relies on the passage at Col. 10, Lines 39-56 of *Dozortsev* to disclose a limitation similar to "moving the entry from the database of unfamiliar software to the database of known good software if it is determined that the entry has been in the database of unfamiliar software for a sufficient period of time," previously included in cancelled Claim 11. *See Office Action*, Pages 11-12. This, however, is incorrect. For example, *Dozortsev* merely discloses receiving a status update:

> Through discrete time intervals, the client computer may connect to the central computer in order to **synchronize the status of executable code** in the local database with their status in the centralized database. Therefore if the status of any executable code has changed (i.e. an unknown executable code has become known as malicious or an executable code previously mistakenly identified as good in course of further investigation has turned out to be malicious) the client computer receives a executable code **status update in real- or near real-time**.

See Dozortsev, Col. 10, Lines 39-48 (emphasis added). According to the passage, *Dosortsev* discloses receiving a status update in real- or near real-time, but does not disclose that the entry has been in the database of unfamiliar software for a sufficient period of time. As a result, *Dosortsev* does not disclose the method of Claim 1 including, for example, moving the entry from the database of unfamiliar software to the database of known good software *if it is determined that the entry has been in the database of unfamiliar software for a sufficient period of time*.

As discussed above, *Dosortsev* does not disclose the method of Claim 1. *McGee*, *Liu*, and *Verma* do not cure this deficiency. For at least this reason, Applicant respectfully requests that the rejection of Claim 1 be withdrawn.

Claims 2-5, 7-10, and 12-16 each depend, either directly or indirectly, from Claim 1. Therefore, for at least the reasons discussed above with regard to Claim 1, Applicant respectfully requests that the rejections of Claims 2-5, 7-10, and 12-16 be withdrawn.

Similar to Claim 1, Claims 17 and 33 includes limitations related to moving the entry from the database of unfamiliar software to the database of known good software if it is determined that the entry has been in the database of unfamiliar software for a sufficient

period of time. For at least those reasons discussed above with regard to Claim 1, Applicant respectfully submits that *Dosortsev* does not disclose these limitations. Furthermore, Applicant respectfully submits that *McGee*, *Liu*, and *Verma* do not cure this deficiency. Therefore, Applicant respectfully requests that the rejections of Claims 17 and 33 be withdrawn.

Claims 18-21, 23-26, 28-32, 34-37, 39-42, and 44-48 each depend, either directly or indirectly, from Claims 17 and 33. Therefore, for at least the reasons discussed above with regard to Claims 17 and 33, Applicant respectfully requests that the rejections of Claims 18-21, 23-26, 28-32, 34-37, 39-42, and 44-48 be withdrawn.

New Claims 49-55

Applicant has added Claims 49-55. Claims 49-55 each depend, either directly or indirectly, form Claims 1, 17, and 33. Therefore, for at least the reasons discussed above with regard to Claims 1, 17, and 33, Applicant respectfully submits that Claims 49-55 are allowable.

New Claim 56

Applicant has added Claim 56. Claim 56 is directed to a method for computer security. The method includes identifying a file. The method also includes determining quantitative information regarding the file, the quantitative information selected from the group consisting of a length of time the entry has been in the database of unfamiliar software, a number of times the file has been opened, and a number of times an executable in the file has been executed. The method further includes adding an entry for the file to a database of known good software if the quantitative information exceeds a predetermined value. The combination of *McGee*, *Dozortsev*, *Liu*, and *Verma* fails to disclose each of these limitations. For at least this reason, Applicant respectfully submits that Claims 56 is allowable.

New Claims 57-60

Applicant has added Claims 57-60. Claims 57-60 each depend, either directly or indirectly, form Claim 56. Therefore, for at least the reasons discussed above with regard to Claim 56, Applicant respectfully submits that Claims 57-60 are allowable.
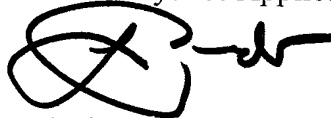
Conclusions

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

With the addition of new Claims 49-60, Applicant owes a filing fee of $510.00. The Commissioner is hereby authorized to charge said $510.00 additional fee plus any other required fees or credit any overpayments to Deposit Account No. **02-0384** of **Baker Botts L.L.P.**

Respectfully submitted,

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